

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 JUSTIN SABO,

4 Plaintiff

5 v.

6 MEADOWS OWNER LLC,

7 Defendant

Case No.: 2:24-cv-01447-APG-MDC

**Order Remanding Case for Lack of
Subject Matter Jurisdiction**

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9 Justin Sabo removed this action from state court based on federal question jurisdiction.
10 ECF No. 1-1. Under 28 U.S.C. § 1331, federal district courts have jurisdiction over “all civil
11 actions arising under the Constitution, laws, or treaties of the United States.” Sabo asserts
12 federal question jurisdiction exists because Meadows Owner LLC violated his federal
13 constitutional rights. However, Sabo’s federal defenses or counterclaims cannot create federal
14 question jurisdiction for removal. *See Holmes Grp., Inc. v. Vornado Air Circulation Sys., Inc.*,
15 535 U.S. 826, 831 (2002) (stating that a counterclaim cannot serve as the basis for federal
16 question jurisdiction); *Hall v. N. Am. Van Lines, Inc.*, 476 F.3d 683, 687 (9th Cir. 2007) (stating
17 that “the existence of a defense based upon federal law is insufficient to support jurisdiction”
18 (quotation omitted)).

19 I THEREFORE ORDER that this action is remanded to the state court from which it was
20 removed for lack of subject matter jurisdiction. The clerk of court is instructed to close this case.

21 DATED this 9th day of August, 2024.

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23 ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE